



**Montana Department of  
ENVIRONMENTAL QUALITY**

Brian Schweitzer, Governor

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December 14, 2009

Ted Linnert  
Office of Communications and Public Involvement  
U.S. EPA, Region 8 – 80C  
1595 Wynkoop Street  
Denver CO 80202

Re: Proposed Plan, Operable Unit 2, Libby Asbestos Superfund Site

Dear Mr. Linnert;

Thank you for providing the Montana Department of Environmental Quality (DEQ) the opportunity to comment on the Proposed Plan for Operable Unit 2 (OU2) of the Libby Asbestos Superfund Site. DEQ appreciates the continued relationship with EPA and the efforts of EPA to work with the Lincoln County Commissioners and the interested landowners, regarding the remedial actions and future development at OU2.

DEQ supports EPA's Proposed Plan, including the preferred alternative 3b as detailed in the Proposed Plan. In addition, the DEQ would like to offer the following comments:

1. The recommended alternative 3b will likely be effective in protecting the public health and the environment in a timely and cost-effective manner. At this stage of the remedy selection and design process, alternative 3b will involve: in-place containment of contaminated soil, institutional controls and monitoring.
2. The conceptual site model emphasizes exposure to LA as driving the risk and the need for remedial action. However significant RI field data, in terms of exposure to contaminated soils, is based on visible vermiculite. The LA content of the visible vermiculite needs to be quantified through analytical, laboratory methods. Visible vermiculite is neither an appropriate, nor an accurate, method of quantifying the concentration of LA in the potentially impacted soils and is not a valid cleanup standard for the ROD.
3. Page 7 of the Proposed Plan, under Summary of Site Risks, states that the RI report contains a baseline human health risk assessment for OU2. The risk assessment section of the RI, Section 6, indicates that methods to quantify cancer and non-cancer risk associated with LA exposure are still under development and the risk assessment for OU2 will not be completed for some time. The Preliminary Remedial Action Objectives for a Proposed Plan are typically based on a completed risk assessment. The DEQ believes that it is premature for the OU2 Proposed Plan to summarize the risk assessment conclusions. The DEQ supports the Proposed Plan and EPA's progress toward a ROD for OU2, in the absence of a quantitative risk assessment as long as the proposed remedy for OU2 involves in-place containment such that all known exposure pathways are broken. Additionally, DEQ suggests the following language be included in the ROD: "Removal and on-site containment of contaminated soils will eliminate known exposure pathways by preventing human exposure to LA-contaminated soils and dust." Until a risk-based, quantitative clean up level is established for the entire Libby Asbestos Superfund site, the EPA will manage OU2 in cooperation with the property owners, including development and future use in a manner that will protect both human health and the remedy. EPA will address any breaches of penetrations of the remedial action (cap) that reveal LA-contaminated soils in

accordance with established removal or remedial actions being used throughout the Libby Asbestos Superfund site. Once a quantitative risk assessment is completed and a clean up level is established, the ROD for OU2 will be appropriately modified to include this new information, to incorporate any additional remedial actions, and to modify the institutional controls or the operation and maintenance plan in order to properly manage the residual contamination in a manner that will protect human health and the environment."

4. DEQ's policy supports an "acceptable risk" as being  $1 \times 10^{-5}$  or less. EPA's acceptable risk range of  $1 \times 10^{-4}$  to  $1 \times 10^{-6}$  does not correlate exactly with DEQ's, and DEQ does not support  $1 \times 10^{-4}$  as an acceptable risk. DEQ suggests that EPA require additional response action at sites where the excess cancer risk exceeds  $1 \times 10^{-5}$ . Please include language in the ROD noting DEQ's policy, and explaining how EPA will respect that position when a final Risk Assessment is complete, and cleanup levels are determined.
5. The ROD should include a clear description of how the Remedial Design Phase will include additional soil sampling and analyses to better define the areas requiring further remediation based on LA-contaminated soils. DEQ does not support using the presence of visible vermiculite to trigger remedial actions. Also, the DEQ suggests that the EPA, during the design phase, reevaluate the removal/disposal of the small amount of impacted soil along the shoulder of Highway 37 in the vicinity of OU2.
6. Since the planned remedy will leave LA-contaminated soil in place and since the property may be used for residential, commercial, and/ or recreational activities, as well as regular maintenance and construction activities, it is critical to define the necessary institutional controls in as much detail as possible during the remedial design. DEQ suggests that the ROD include language identifying the purpose and goals of an institutional control program and identifying the specific institutional controls proposed to meet those goals.
7. For future reference, the Montana DEQ contact for OU2 is Richard Sloan, Project Officer, Montana DEQ, P.O. Box 200901, Helena, MT 59620-0901, 406-841-5046 [rsloan@mt.gov](mailto:rsloan@mt.gov).
8. DEQ recognizes and supports the efforts of EPA to coordinate with the Lincoln County Commissioners and the interested land owners regarding remedial actions and development of OU-2. DEQ suggests EPA memorialize these discussions and commitments in the ROD, clearly define the difference between remedial action, re-development, and institutional controls, and clearly define the roles and obligations of EPA, the state, the County, and the landowners in implementing, operating and maintaining the ROD for OU2.

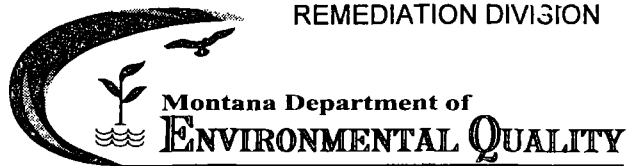
DEQ looks forward to working with the EPA as the detailed design of the remedy is completed and as the overall project continues. If you have any questions or concerns, please feel free to contact Dick Sloan, DEQ Federal Superfund Project Manager.

Sincerely,



Sandi Olsen  
Remediation Division Administrator  
Montana Department of Environmental Quality

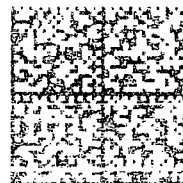
cc: Richard Opper  
Richard Sloan



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